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7/17/08

# United States District Court

*DISTRICT OF ARIZONA*

**UNITED STATES OF AMERICA**

v.

**Logan William Davis**  
**Y.O.B. 1987**

**CRIMINAL COMPLAINT**

CASE NUMBER: **08-282M**

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

**Count 1**

On or about July 17, 2008, at or near Casa Grande, in the District of Arizona, defendant Logan William Davis, knowingly and in reckless disregard of the fact that a certain alien, Venancio De Jesus-Catarino, had come to, entered, and remained in the United States in violation of law, did transport and move said alien within the United States by means of transportation and otherwise in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

**Count 2**

On or about July 17, 2008, at or near Casa Grande, in the District of Arizona, defendant Logan William Davis, did unlawfully aid and abet a certain alien, Venancio De Jesus-Catarino, to evade and elude examination and inspection by Immigration Officers of the United States of America; in violation of Title 8, United States Code, Section 1325(a)(2) and Title 18, United States Code, Section 2.

I further state that I am a Border Patrol Agent of the Bureau of Customs and Border Protection and that this complaint is based on the following facts:


**See Attached Statement of Probable Cause Incorporated by Reference Herein**

AUTHORIZED BY: AUSA Josh Patrick Parecki

(JP)

  
Alfredo Wall, Border Patrol Agent  
Complainant

Sworn to before me and subscribed in my presence,  
July 18, 2008, at Phoenix, Arizona.



Signature of Judicial Officer

Michelle H. Burns

United States Magistrate Judge

### **STATEMENT OF PROBABLE CAUSE**

I, Alfredo Wall, being duly sworn, hereby depose and state as follows:

Your affiant is a Border Patrol Agent of the Bureau of Customs and Border Protection. I have learned from direct participation in the investigation and from the reports and communications of other agents the facts recited herein.

1. On July 17, 2008, at approximately 9:00 a.m., Border Patrol Agents D. Richardson and N. Tupper were performing their assigned traffic check duties on Interstate 10 near Casa Grande, Arizona, when they observed a silver Chevrolet Silverado extended-cab pickup pass their location. The agents could clearly see as the vehicle passed a driver and three passengers riding in the extended cab portion of the truck. The agents followed the vehicle and pulled up next to it. The three individuals who had been riding in the back were no longer visible. Agent Tupper sat up as far as he could in the passenger seat of the agents' marked Border Patrol vehicle, to get a better look at the interior of the truck, particularly the rear cab area. Agent Tupper noticed what appeared to be the top of someone's head low in the cab of the truck. At this point it was evident that the passengers were attempting to conceal themselves from the agents' view. The agents activated their emergency equipment to perform an immigration inspection on the truck's occupants.
2. The agents approached the truck and after identifying themselves as Border Patrol Agents, the driver, later identified as Logan William Davis, and three (3) individuals hiding in the rear. The agents determined that Davis was a United States citizen, and the three passengers were citizens and nationals of Mexico present in the United States of America without proper documentation to allow them to enter into, pass through, or remain in the United States legally. All individuals were read Miranda warnings on the scene, then placed under arrest and transported to the Casa Grande Border Patrol

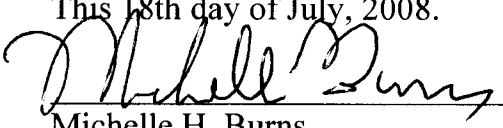
Station for further processing. The driver, Logan William Davis, acknowledged his rights and agreed to answer questions without legal counsel present. Davis stated that he had picked up the passengers hitchhiking on the side of Interstate 10 near Ajo Way in Tucson, Arizona. Davis stated that he told the three passengers he was going to Queen Creek, Arizona, and that he would drop them off there.

3. At the Casa Grande Border Patrol Station, Davis was read Miranda warnings again, and signed his Warning as to Rights, per Service Form I-214. At that time, Davis stated that he no longer wished to make further statements without the presence of his attorney.
4. At the station, one of the passengers in the vehicle, Venancio De Jesus-Catarino, agreed to provide a videotaped statement under oath to Border Patrol Agents A. Martinez and N. Tupper. De Jesus stated that he was born in Mexico, and that he did not have any documentation allowing him to enter into, pass through, or remain in the United States legally. De Jesus stated that he crossed into the United States by crawling under the US/Mexico international boundary fence near Sasabe, Arizona, without being inspected by an Immigration Officer of the United States. De Jesus stated that he and his group walked for about two (2) days until they stopped at an unknown location. De Jesus stated that he and two (2) other individuals were too exhausted to walk any further, so they stayed at that location and the rest of the group continued walking without them.
5. De Jesus stated that after three (3) more days passed, he and the other two (2) individuals started walking again until they arrived in Tucson, Arizona. De Jesus stated that they arrived near a highway and started flagging down passing motorists to ask for a ride. De Jesus stated that a man in a pickup truck stopped, and he asked him for a ride. De Jesus further stated that the driver replied 'I don't know, there's a lot of Border Patrol around.' De Jesus stated that the driver signaled with his arm for him and the other two (2) individuals to get in the truck. De Jesus stated that the driver told them to sit down in the rear portion of the cab of the truck.

6. De Jesus stated that when he saw the Border Patrol vehicles on the side of the road, the driver signaled with his hand for them to crouch down in the rear of the cab. De Jesus stated that the driver who picked them up on the side of the road was the same driver who was arrested with him and the rest of the group by Immigration authorities. De Jesus further stated that he could identify the driver if he saw him again.
7. For these reasons, the affiant has probable cause to believe that on or about July 17, 2008, at or near Casa Grande, in the District of Arizona, defendant Logan William Davis, knowingly and in reckless disregard of the fact that a certain alien, Venancio De Jesus-Catarino, had come to, entered, and remained in the United States in violation of law, did transport and move said alien within the United States by means of transportation and otherwise in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).
8. For these reasons, the affiant has probable cause to believe that on or about July 17, 2008, at or near Casa Grande, in the District of Arizona, defendant Logan William Davis, did unlawfully aid and abet a certain alien, Venancio De Jesus-Catarino, to evade and elude examination and inspection by Immigration Officers of the United States of America; in violation of Title 8, United States Code, Section 1325(a)(2) and Title 18, United States Code, Section 2.

  
Alfredo Wall, Border Patrol Agent  
United States Border Patrol

Sworn to and subscribed before me personally  
This 18th day of July, 2008.

  
Michelle H. Burns  
United States Magistrate Judge